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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,949	07/23/2003	Mark S. Carruthers	PC23198A	9910
28523	7590	01/14/2005	EXAMINER	
PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340			EVANS, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,949

Applicant(s)

CARRUTHERS ET AL

Examiner

Geoffrey S Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030723, 20031205
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theeuwes et al. in U.S. Patent No. 4,088,864 in view of Tian in U.S. Patent No. 6,756,564 B2. Theeuwes et al. has a laser drilling station, a laser capable of producing a laser, said laser beam being conducted through a laser beam delivery assembly comprising a movable lens assembly capable of focusing said laser beam at said laser beam drilling station to create an opening in each of said dosage forms; and a dosage form handling assembly capable of transporting individual dosage forms to said laser drilling station. Theeuwes et al. does not have a dosage removal assembly. Tian teaches a debris removal assembly comprising an enclosure (element 101; see column

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5, line 33), an inlet (either of manifold elements 105, 108) for a sweep gas, an outlet (exhaust gas vent 110; see column 5, line 53), a stationary debris head (the end of element 107 in the chamber) and a vacuum source (e.g. see column 5, line 23). It would have been obvious to adapt Theeuwes et al. in view of Tian to provide this to prevent debris from redepositing on the drilled or cut surface during processing (see column 3, lines 15-20).

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geerke et al. in U.S. Patent No. 6,452,133 B1 in view of Theeuwes et al. in U.S. Patent No. 4,088,864. Geerke et al. discloses a laser drilling station (element 230; see column 9, lines 17-18), a dosage form handling assembly capable of transporting dosage forms, and a quality control assembly including a CCD camera (see column 9, lines 33-40) and a rejection station responsive to signals from the camera. Theeuwes et al. teaches in a laser drilling station using a laser capable of producing a laser beam and a laser beam delivery system capable of focusing the laser beam. It would have been obvious to adapt Geerke et al. in view of Theeuwes et al. to provide this to properly drill holes in the dosage forms of a desired size by using a focused laser beam.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geerke et al. in view of Theeuwes et al. as applied to claim 11 above, and further in view of McStravick, III et al. in U.S. Patent No. 6,785,414. McStravick, III et al. teaches using a digital camera for quality control (see column 3, line 32) applications because digital cameras have several advantages (see column 3, lines 5-27). It would have been obvious to adapt Geerke et al. in view of Theeuwes et al., and McStravick, III et al. to

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provide this to transfer the image in a digital format via a host of communication technologies, and edit images with digital processing techniques.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geerke et al. in view of Theeuwes et al., and McStravick, III et al. as applied to claim 12 above, and further in view of Mitchell in U.S. Patent No. 5,085,510. Mitchell teaches using an illumination source (element 15, see column 3, lines 20-54) providing light at a relatively low angle of 45 degrees to provide an even, consistent illumination. It would have been obvious to adapt Geerke et al. in view of Theeuwes et al., McStravick, III et al. and Mitchell to provide this to provide a good image for the digital camera.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geerke et al. in view of Theeuwes et al. as applied to claim 11 above, and further in view of Mitchell in U.S. Patent No. 5,085,510. Mitchell teaches a dosage form handling station that is capable of ejecting dosage forms from a dosage form handling assembly in response to a signal from a quality control assembly (see column 5, line 24-42). It would have been obvious to adapt Geerke et al. in view of Theeuwes et al. and Mitchell to provide this to remove defective dosage forms that have not been laser drilled.

8. Claims 1-5 are allowed.

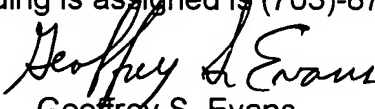
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faour in U.S. Patent No. 6,809,288 has a laser drilling apparatus. Geerke et al. in U.S. Patent No. 6,276,512 has an apparatus for orienting dosage forms. Ackley, JR et al. in US 2004/0094050 has a laser unit and inspection unit.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700